



CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date 06/26/03

Agenda Item 2

TO: Planning Commission

FROM: Arlynn J. Camire, Associate Planner

SUBJECT: Variance Application No. PL-2003-0219 – Roberto Lomeli (Applicant/Owner) – To Retain Two Carports that Exceed 50 Percent Of The House Area and Are Located within The Front and Side Yard set backs

The Property Is Located at 956 Folsom Avenue in a Single-Family Residential (RS) District

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Find that the proposed project is Statutorily Exempt from the California Environmental Quality Act (CEQA) guidelines, Section 15270 (a), Projects Which Are Disapproved, and
2. Deny the variance requests, subject to the attached findings.

DISCUSSION:

This 8,581-square-foot residential property is located on a private drive in a 5-lot subdivision off of Folsom Avenue, west of Ruus Road, in the Tennyson-Alquire Neighborhood. The property is behind three properties of the same subdivision that front onto Folsom Avenue. The 1,288-square-foot house and a 400-square-foot, 2-car garage were built in 1951. The property owner recently constructed two structures: (1) a 350-square-foot, two-car carport in front of the garage 6 feet from the side property line and (2) a 750-square-foot carport only 2 feet from the side property line where 5 feet is required and within the 20-foot front yard setback. The structures came to the attention of the City as a result of an anonymous complaint to the Community Preservation office. The inspector found that the structures were built without benefit of a building permit and a notice to correct the situation was issued.

The area of accessory buildings, either separately or cumulatively, is not permitted to exceed 50 percent of the total area of the ground floor of the house, but the area of the accessory structures on subject property *exceeds* that of the house. Since the house is 1288 square feet, the area that may be devoted to accessory structures is 644 square feet. The existing garage consists of approximately 400 square feet, so only 244 square feet could be devoted to another accessory structure.

The 350-square-foot carport located immediately in front of the garage is wood with brick supports and a fiberglass shingle gable roof with yellow stucco to match the house. It is approximately 17.5 feet deep by 20 feet wide. The depth does not meet the minimum 19-foot depth of a carport, but it does meet setback standards which permit accessory structures 5 feet from side and rear property lines. The area of this carport (350 square feet) when considered with the existing garage (400 square feet) exceeds the overall area permitted for accessory structures (644 square feet).

The 750-square-foot (50' x 15') carport is wood frame with a fiberglass shingle gable roof to match the house. This structure is used as a carport and for the storage of items on removable 6-foot high metal shelves. It is located only 2 feet from the front property lines where the required front yard setback is 20 feet, and it is only 2 ½ feet from the other side property lines where at least 5 feet is required. In addition, there is less than 14 feet in which vehicles can back up where at least 26 feet is required. Because of the proximity of this structure to property lines, the Uniform Building Code does not permit an open carport; therefore, should the Planning Commission approve the structure, a one-hour fire wall would have to be constructed along three sides of the carport. At 750 square feet, the area of the carport exceeds the maximum area permitted for accessory structures.

Although the property is irregular in shape and is unusual in that structures on the property are not visible from Folsom Avenue, staff believes that approving the variances would be granting a special privilege. Additionally, it would result in buildings that are incompatible with surrounding properties in that neighboring properties should be afforded adequate light, air and privacy associated with buildings constructed where permitted. For these reasons, staff does not support the variances.

Should the Planning Commission approve this application, staff should be directed to return with appropriate environmental review, findings and conditions of approval.

Environmental Review:

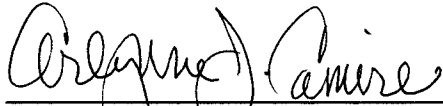
The proposed project is statutorily exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15270 (a), Projects Which are Disapproved.

Public Notice:

On April 10, 2003, a Referral Notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records, and the Tennyson-Alquire Homeowners Association, the Eastwood Homeowner's Association, the Warren Curtis Homeowners Association and the Tennyson-Alquire Task Force members. Staff has received several telephone calls in support from neighboring residents.

On June 16, 2003, a Notice of Public Hearing for the Planning Commission meeting was mailed. Staff received a telephone call in support from a resident that lives on Thiel Road.

Prepared by:

A handwritten signature in cursive script, reading "Arlynn J. Camire", positioned above a horizontal line.

Arlynn J. Camire, AICP
Associate Planner

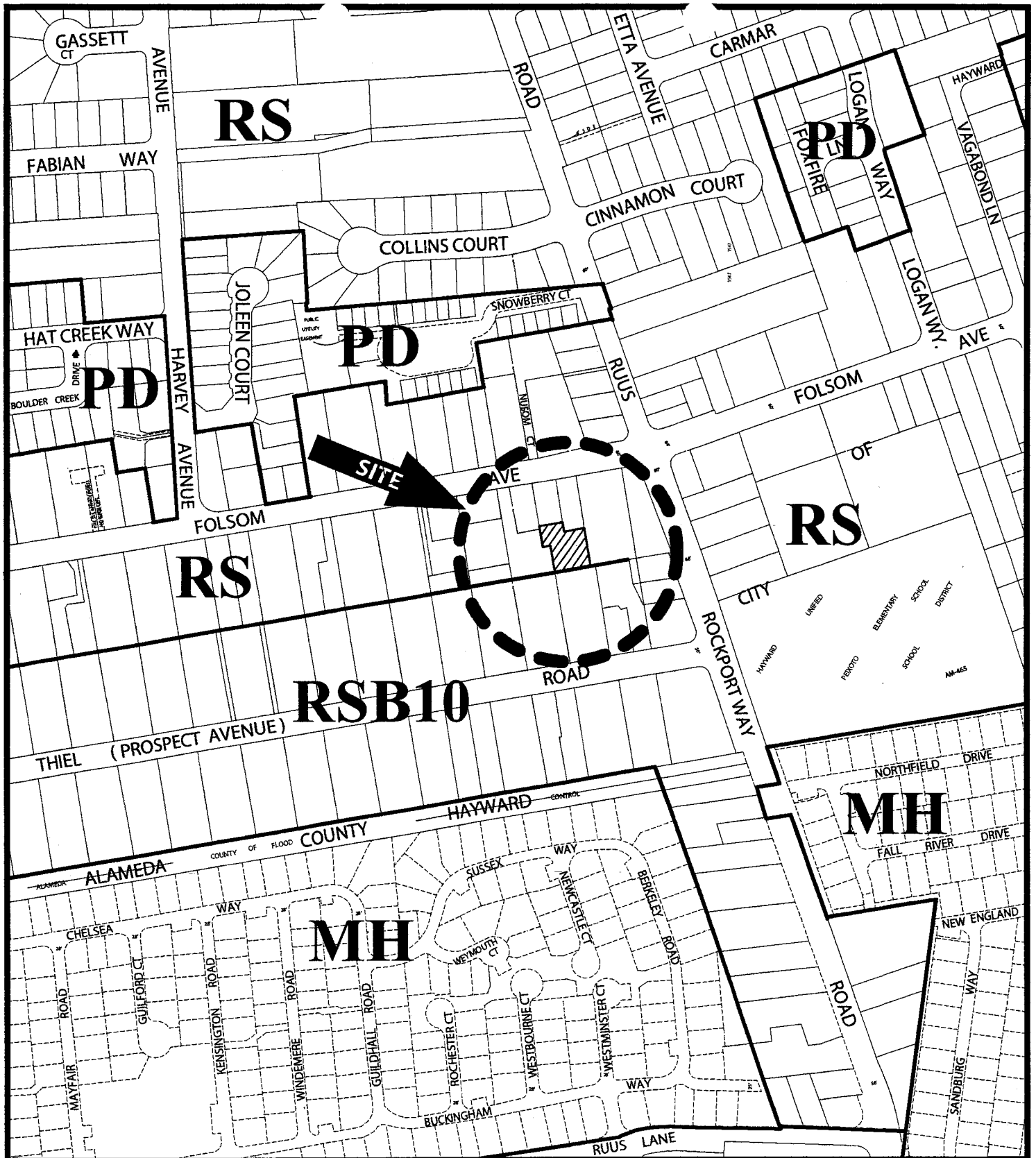
Recommended by:

A handwritten signature in cursive script, reading "Dyana Anderly", positioned above a horizontal line.

Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area Map
- B. Findings for Denial
Plans



Area & Zoning Map

PL-2003-0219 VAR

Address: 956 Folsom Avenue

Applicant: Roberto Lomeli

Owner: Roberto Lomeli

MH (P)-Mobile Home Park

PD-Planned Development

RS-Single-Family Residential,RSB4,RSB6



VARIANCE APPLICATION NO. PL-2003-0219
ROBERT LOMELI (APPLICANT/OWNER)
956 FOLSOM AVENUE
FINDINGS FOR DENIAL

- A. The proposed project is statutorily exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15270 (a), Projects Which are Disapproved.
- B. Although the property is of unusual shape and location, the location of the structures in proximity to the property line and in excess of permitted area would result in buildings that are incompatible with surrounding properties in that neighboring properties should be afforded adequate light, air and privacy associated with buildings constructed where permitted.
- C. Strict application of the Zoning Ordinance would not deprive such property of privileges enjoyed by other properties in the vicinity under the same zoning classification in that other properties at similar size and shape would not be able to build within the minimum front or side yard set backs.
- D. The variances would constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and the Single-Family Residential (RS) District in which the property is situated in that other properties with similar circumstances have not been granted the same consideration.

Conditions of Approval
UP 80-105
Jack-in the-Box
1075 West Tennyson Road

1. All improvements indicated on the approved site and landscape plan, as amended by staff and labeled Exhibit "A", must be installed prior to authorization for gas or electric meter service.
2. After initial installation, all plantings must be maintained, including replacement where necessary.
3. Within all new landscape areas, a complete automatic sprinkler system with an automatic on/off mechanism shall be installed.
4. Where any landscaped area adjoins driveways and/or parking areas, Class "B" Portland Cement concrete curbs shall be constructed to a height of six (6) inches above the finished pavement.
5. Each parking space shall be provided with a Class "B" Portland Cement concrete bumper block or continuous concrete curb not less than six (6) inches above the finished pavement.
6. The premises shall be kept clean, and the operator shall endeavor to see that no trash or litter originating from the use is deposited on neighboring properties.
7. No obnoxious odors shall be generated on the site.
8. Noise levels measured at the property line shall not exceed the level of background noise normally found in the area. If a noise problem develops in the speaker box or from customer traffic on the site which cannot be resolved by mitigation measures, the matter will be referred to the Board of Adjustments for review with the possibility of removing the exterior speaker box or taking other mitigation measures deemed appropriate by the Board at that time.
9. Management of the use shall take necessary steps to assure the orderly conduct of employees, patrons, and visitors on the premises.
10. A copy of these performance standards and all use permit conditions of approval shall be posted alongside the necessary business licenses and be visible at all times to employees of the establishment.
11. Outside utility meters, when not enclosed in a cabinet, shall be screened allowing sufficient distance for reader access.
12. The developer shall contact the Fire Prevention Bureau for the location of standpipe systems, first aid fire appliances, and/or Fire Department connections.
13. Open storage is prohibited in paved parking area.
14. A minimum of six concrete trash receptacles shall be provided on the site including two (2) receptacles on the abutting church property, and the design and location shall be approved by the Planning Director.

15. During construction of the drive-in, a minimum of ten (10) parking spaces shall be available for patrons.
16. Mechanical equipment such as air conditioners shall be prohibited on the roof, unless screening and installation is approved, as approved by the Planning Director.
17. Prior to issuance of any sign permit, the Planning Director shall review the proposed signs to insure the sign size is in proportion to the building and located attractively either on the building or on a freestanding structure.
18. Violation of conditions is cause for revocation of permit after public hearing before the duly authorized review body.
19. Any lights provided to illuminate the development/paved parking area shall be arranged so as to reflect the light away from the abutting residential uses.
20. The hours of operation shall be 6:00 a.m. to 12 midnight, Sunday through Thursday and 6:00 a.m. to 2:00 a.m., Friday and Saturday.
21. A Right Turn Only sign shall be installed at ingress from Tampa entering the site.
22. Driveway easement from Tampa to the site to be landscaped to delineate as a driveway.
23. Prior to issuance of a building permit, a site grading and drainage plan, prepared by the owner, shall be approved by the City Engineer.
24. Prior to issuance of a building permit, a revised landscape plan and complete irrigation plan shall be submitted for review and approval by the Parks Superintendent.
25. Prior to issuance of a building permit, the lot line adjustment application shall be approved on the three parcels or combined into one recorded parcel.
26. Prior to connection of utilities, the irrigation system shall be installed.